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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,926	01/29/2002	Wayne Cannon	CISCP709	7542
26541	7590	09/08/2005	EXAMINER	
Cindy S. Kaplan P.O. BOX 2448 SARATOGA, CA 95070			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/060,926

Applicant(s)

CANNON ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-15 are currently pending in the application. The 112 rejections of claims 12 and 17 have been withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-7, 9-10, 13-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 5,961,595 to Kawagoe et al..
4. As to claim 5, Kawagoe teaches a system for managing network elements in a network, comprising: a network element independent module that includes functions for managing different types of network elements (col. 6, lines 9-61, the agent 102 in Figure 1); a network element dependent module that includes functions for managing a specific type of network element (col. 6, lines 9-61, the message converter 121 in Figure 1); and a network management application that calls the functions of the network element independent and dependent modules to manage a plurality of network elements in a network (col. 6, lines 9-61, the manager 101 in Figure 1).

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5. As to claim 6, Kawagoe teaches the system of claim 5, wherein the functions of the network element dependent module are executable at run time through dynamic class loading (col. 6, lines 9-61).

6. As to claim 7, Kawagoe teaches the system of claim 5, wherein the network element dependent module includes specifications of the network element (col. 6, lines 9-61).

7. As to claims 1-3, they feature the same limitations as claims 5-7 and are rejected for the same reasons as claims 5-7.

8. As to claim 14, Kawagoe teaches a system for managing network elements in a network, comprising: a means for sending a request to a network element for a network element dependent module that includes functions for managing the specific type of the network element (col. 6, lines 9-61); a means for executing the network element dependent module to create an interface to the network element (col. 6, lines 9-61); and a means for utilizing the interface to manage the network element (col. 6, lines 9-61).

9. As to claim 15, Kawagoe teaches the system of claim 14, further comprising sending a request to the network element for the specific type of the network element (col. 6, lines 9-61).

10. As to claim 18, Kawagoe teaches the system of claim 14, further comprising receiving an object change message that there is a new network element on the network (col. 6, lines 9-61).

11. As to claims 9-10 and 13, they feature the same limitations as claims 14-15 and 18 and are rejected for the same reasons as claims 14-15 and 18.

***Claim Rejections - 35 USC § 103***

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12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 8, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,961,595 to Kawagoe et al. in view of U.S. Patent Number 6,473,783 to Goshey et al..

14. As to claim 8, Kawagoe teaches the system of claim 7; however Kawagoe does not explicitly teach a graphical representation.

Goshey teaches a graphical representation of a network element (col. 8, lines 6-27).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kawagoe regarding the management of network elements with the teachings of Goshey regarding the use of graphical representations for representing network elements because a graphical representation provides a user friendly interface for network element management (Goshey, col. 8, lines 6-27).

15. As to claims 16, Kawagoe teaches the system of claim 14; however Kawagoe does not explicitly teach requesting a software version.

Goshey teaches requesting a software version of a network element (col. 8, lines 6-27, Figure 3C).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kawagoe regarding the management of

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network elements with the teachings of Goshey regarding requesting a software version of a network element because such information may be desired by a user (Goshey, col. 8, lines 6-27).

16. As to claims 4 and 11, they are rejected for the same reasons as claims 8 and 16.

17. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,961,595 to Kawagoe et al. in view of U.S. Patent Number 6,473,783 to Goshey et al. in view of U.S. Patent Number 6,735,625 to Ponna.

18. As to claim 17, the Kawagoe-Goshey combination does not explicitly teach comparing a software type and software version of a network element with those of another element.

Ponna teaches a method comprising sending a request to a network element for the specific type of the network element (col. 6, lines 26-47); sending a request to the network element for the software version of the network element (col. 6, lines 26-47); and utilizing a stored network element dependent module if the specific type and software version of the network element are compatible with the specific type and software version of another element on the network (col. 6, lines 26-47).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kawagoe-Goshey combination regarding the management of network elements with the teachings of Ponna regarding the comparison of software and hardware for various network elements because such comparisons allow users to use remote devices (Ponna, col. 1, line 51-col. 2, line 11).

19. As to claim 12, it is rejected for the same reasons as claim 17.

20. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,961,595 to Kawagoe et al. in view of U.S. Patent Number 6,833,787 to Levi.

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21. As to claim 19, Kawagoe teaches the method of claim 1, however Kawagoe does not explicitly teach receiving a packet identifying a new network element and sending an object change message to inform a network management application that there is a new network element.

Levi teaches a method of receiving a packet identifying a new network element and sending an object change message to inform a network management application that there is a new network element (col. 21, line 57-col. 22, line 34).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kawagoe regarding the management of network elements with the teachings of Levi regarding identifying new network elements because such a packet allows a management device to control new elements (Levi, col. 2, lines 5-17)

22. As to claim 20, Kawagoe teaches the method of claim 1, however Kawagoe does not explicitly teach initializing new network elements.

Levi teaches a method of receiving at the network management application an object change message; sending a request to the new network element for information on a new network element identified by the object change message; and initializing a network element independent module for the new network element (col. 21, line 57-col. 22, line 34).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kawagoe regarding the management of network elements with the teachings of Levi regarding initializing new network elements

because such a packet allows a management device to control changes in network elements (Levi, col. 2, lines 18-40).

***Response to Arguments***

23. Applicant's arguments filed 7/25/2005 have been fully considered but they are not persuasive. The applicant argues the following points: a) There is no disclosure of two network modules; one that includes function for managing difference types of network elements and another that includes functions for managing a specific type of network element; b) there is no disclosure of a network application that calls the functions of the network element independent and dependent module to manage different network elements; c) Even if, for the sake of discussion, the agent or message converter is considered a network element dependent module, these components do not include specification of the network element as recited in claim 3; and d) Goshey does not show or suggest sending a request to a network element for the software version.

24. As to point (a), as claimed, the "agent 102" in Figure 1 reads on the network element independent module because it provides the interface for the manager to call the various functions of the devices and the "message converter 121" in Figure 1 reads on the network element dependent module because it provides the protocol conversion for interfacing each individual device.

25. As to point (b), the "manager 101" is ultimately responsible for calling all of the functions of "agent 102", "message converter 121" and the "resource manager 103" whether it be directly or indirectly. See col. 6, lines 25-27.



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26. As to point (c), in col. 6, lines 8-11, the message converter converts the request into the *specification* of the individual interface.

27. As to point (d), Referring to Figure 3C, each device shows the type of device and model number for the device, which would implicitly identify the software version.

### ***Conclusion***

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER